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PHAN, JOSEPH T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,701

Applicant(s)

MELIDEO, JOHN

Examiner

JOSEPH T. PHAN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/17/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-23, 25-43, 45-50 and 52-60 is/are rejected.
- 7) ☐ Claim(s) 4, 24, 44, and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-60 have been considered, new 112 rejection and allowable subject matter has been indicated.

Allowable Subject Matter

2. Claims 4, 24, 44, and 51 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 line 11 recites "either the toolbar software receiving...the toolbar software recognizing; ...the toolbar software sending..." which is unclear and confusing as to what the term 'either' corresponds to due to grammatical errors. Limitations or supporting words should precede the term 'either'. Furthermore, it is unclear whether the limitations following '...sending a call initiation message....' are part of 'either' but appears to as there is no defining stop language.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102/ 103

4. The following is a quotation of 35 U.S.C. 102(c)/103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-3, 5-23, 25-43, 45-50, and 52-60 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cho et al., Patent #6,834,048.**

Regarding claims 1 and 41, Cho teaches a method and a computing device comprising computer software distinct from a web browser and to operate as a toolbar in the web browser(11 Fig.1A and 310/202 Fig.3), the method comprising:

the toolbar software causing a toolbar to be displayed in the Internet web browser on the computing device(*col.4 lines 16-22 and col.6 lines 29-43; software displays toolbar as browser*

application);

the toolbar software identifying telephone numbers included in a web page requested by a user of the Internet web browser(408 Fig.4, col.3 lines 49-67, and col.4 lines 35-45)

the toolbar software causing the Internet web browser to conspicuously display the identified telephone numbers when the web page is displayed(Fig.4, col.3 lines 49-67 and col.4 lines 25-49);

the toolbar software recognizing activation by the user of one of the conspicuously displayed identified telephone numbers included in the web page as an activated telephone number(col.4 lines 43-49, col.6 lines 23-26 and lines 45-50);

the toolbar software sending a call initiation message over a data network to a switch instructing the switch to initiate a two leg telephone call over a public switched telephone network between a predefined telephone number and the activated telephone number in response to the recognizing, wherein the predefined telephone number is associated with a first telephone distinct from and proximate to the computing device that runs the Internet web browser, the first telephone coupled with the public switched telephone network (*col.3 lines 6-15 and col.6 lines 60-65; the telephone headset is distinct from the 'computing' device and inherently has a predefined telephone number associated with it to make outgoing calls; it is noted that the term 'distinct' is not defined as physically separated*), and wherein the activated telephone number is associated with a second telephone distinct from the computing device and distinct from the first telephone(14 Fig.1, col.4 lines 6-14, col.6 lines 60-65, col.7 lines 22-42; *duplex communication is a two leg telephone call*).

If it is argued that Cho does not inherently teach a predefined telephone number

associated with the first telephone distinct from the computing device, the examiner takes official notice in disclosing this feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include old and well-known teachings of telephones distinct from the computing device to make telephony calls because modems and sound cards with telephony ports were widely used to incorporate standard telephones into a computing device for ease of use and familiarity.

Regarding claims 2 and 42, Cho teaches a method and computing device of claims 1 and 41 wherein the predefined telephone number is a web browser user telephone number(col.3 lines 11-15 and col.4 lines 50-67).

Regarding claims 3 and 43, Cho teaches a method and computing device of claims 2 and 42 wherein the web browser user telephone number is for an adjacent telephone near to where the user is accessing the web browser(col.3 lines 11-15, col.6 lines 44-65, col.7 lines 22-42).

Regarding claims 5 and 45, Cho teaches a method and computing device of claims 3 and 43 wherein the adjacent telephone is physically connected to a public switched telephone network(Fig. 1, col.3 lines 6-10, col.6 lines 44-65, col.7 lines 22-42).

Regarding claims 6 and 46, Cho teaches a method and computing device of claims 1 and 41 wherein the predefined telephone number is requested during user registration of the toolbar(col.3 lines 6-10, col.4 lines 15-50, col.6 lines 44-65, col.7 lines 22-42).

Regarding claims 7 and 47, Cho teaches a method and computing device of claims 1 and 41 wherein the predefined telephone number is requested when a user logs in to the toolbar(col.3 lines 11-21, col.6 lines 44-65, col.7 lines 22-42).

Regarding claims 8 and 48 Cho teaches a method and computing device of claims 1 and 41 wherein the initiating comprises requesting a callback telephone number from the user and assigning the callback number as the predefined telephone number(col.3 lines 11-21, col.6 lines 44-65, col.7 lines 22-42).

9.

Regarding claims 9 and 49 Cho teaches a method and computing device of claims 1 and 41 further comprising:
receiving call status information providing the call status information to the user(col.9 lines 28-37).

Regarding claims 10 and 50, Cho teaches a method and computing device of claims 9 and 49 wherein the providing comprises: displaying the call status information(col.9 lines 28-37).

Regarding claims 11 and 51, Cho teaches a method and computing device of claims 1 and 41 wherein the toolbar includes a button to allow a user to turn the conspicuously displaying on and off(Fig.5A; the 'file' button can turn the display on and off).

Regarding claims 12 and 52, Cho teaches a method and computing device of claims 1 and 41 wherein the toolbar includes a user interface item to allow a user to provide the predefined telephone number(col.3 lines 11-21).

Regarding claims 13 and 53, Cho teaches a method and computing device of claims 1 and 41 wherein the toolbar includes a user interface item to list the identified telephone numbers(Fig.5A)

Regarding claims 14 and 54, Cho teaches a method and computing device of claims 1 and 41 wherein the initiating comprises: causing a signal to be sent to a switch instructing the switch

to initiate the telephone call(col.2 lines 1-10).

Regarding claims 15 and 55, Cho teaches a method and computing device of claims 1 and 41 wherein the causing includes: transmitting the predefined telephone number and the displayed telephone number to the switch (Fig.4 and col.2 lines 1-10).

Regarding claims 16 and 56, Cho teaches a method and computing device of claims 14 and 54 wherein the causing includes: sending a call initiation message for causing the signal to be sent to the switch(Fig.4 and col.2 lines 1-10).

Regarding claims 17 and 57, Cho teaches a method and computing device of claims 15 and 55 wherein the call initiation message is sent directly to the switch(Fig.4 and col.2 lines 1-10).

Regarding claims 18 and 58, Cho teaches a method and computing device of claims 16 and 56 wherein the call initiation message is sent to a server, the sending comprising: opening a TCP connection to authenticate the user and start a call session with the server(Fig.4 and col.2 lines 1-10).

Regarding claims 19 and 59 Cho teaches a method and computing device of claims 16 and 56 wherein the call initiation message wherein the call initiation message comprises one or more HTTP requests(Fig.4 and col.2 lines 1-10).

Regarding claims 20 and 60 Cho teaches a method and computing device of claims 16 and 56 wherein the call initiation message comprises one or more SIP messages(Fig.4 and col.2 lines 1-10).

Regarding claims 21 and 49, Cho teaches a method and computing device of telephone call initiation via a toolbar included in an Internet web browser, the method comprising:

the toolbar software causing a toolbar pane to be displayed in the Internet web browser on the computing device(*col.4 lines 16-22; software displays toolbar telephony app in browser*);

the toolbar software intercepting web page data directed to the web browser(*col.4 lines 25-49*); scanning the web page data for associated data items included with or accessible to the toolbar (*Fig.5a, col.4 lines 25-49, and col.6 lines 25-43*); the toolbar software identifying the associated data items found in the web page data as found data items(*col.4 lines 25-67*);

the toolbar software pairing a telephone number with each of the found data items(*Fig.4-5A, and col.6 lines 16-47*); the toolbar software preparing a list of found data items and corresponding telephone numbers for the web page(*Fig.4-5A, and col.6 lines 16-47*);

the toolbar software altering the normal display of the found data items to make the found data items conspicuous on a web page in which the data is included (*416 Fig.4 and Fig.5B, col.4 lines 43-49 and col.5 lines 48-60*);

the toolbar software recognizing the activation of one of the found data items(*Fig.4-5A, and col.6 lines 16-47*);

the toolbar software sending a call initiation message over a data network to a switch instructing the switch to initiate a two leg telephone call over a public switched telephone network between a predefined telephone number and the activated telephone number in response to the recognizing, wherein the predefined telephone number is associated with a first telephone distinct from and proximate to the computing device that runs the Internet web browser, the first telephone coupled with the public switched telephone network, and wherein the telephone number corresponding to the activated found data item is associated with a second telephone distinct from the computing device and distinct from the first telephone (*14 Fig.1, Fig.4, col.4*

lines 6-14, col.6 lines 60-65, col.7 lines 22-42; duplex communication is a two leg telephone call).

If it is argued that Cho does not inherently teach a predefined telephone number associated with the first telephone distinct from the computing device and an address book stored on the computing device, the examiner takes official notice in disclosing these feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include old and well-known teachings of telephones distinct from the computing device to make telephony calls and address book stored on computing devices. One would have been motivated to do so because modems and sound cards with telephony ports were widely used to incorporate telephones into a computing device for ease of use and familiarity and that address book applications were also widely used on computers for ease of accessibility of contact information.

Regarding claim 22, Cho teaches a method of claim 21 wherein the predefined telephone number is a web browser user telephone number(col.3 lines 11-21 and col.6 lines 55-65).

Regarding claims 23 and 50, Cho teaches a method and computing device of claims 22 and 49 wherein the web browser user telephone number is for an adjacent telephone near to where the user is accessing the web browser(col.3 lines 11-21).

Regarding claims 25 and 52, Cho teaches a method and computing device of claims 23 and 50, wherein the adjacent telephone is physically connected to a public switched telephone network(col.3 lines 11-21).

Regarding claims 26 and 53, Cho teaches a method and computing device of claims 21 and 49 wherein the predefined telephone number is requested during user registration of the

toolbar(col.3 lines 11-21).

Regarding claims 27 and 54, Cho teaches a method and computing device of claims 21 and 49 wherein the predefined telephone number is requested when a user logs in to the toolbar(col.3 lines 11-21 and col.6 lines 55-65).

Regarding claims 28 and 55, Cho teaches a method and computing device of claims 21 and 49 wherein the initiating comprises:
requesting a callback telephone number from the user and assigning the callback number as the predefined telephone number(col.3 lines 11-21 and col.6 lines 55-65).

Regarding claims 29 and 56, Cho teaches a method and computing device of claims 21 and 49 further comprising: receiving call status information displaying the call status information(col.9 lines 28-37).

Regarding claims 30 and 57, Cho teaches a method and computing device of claims 21 and 49 wherein the toolbar includes a user interface item to allow a user to set the altering of the found data items in the web page to be on and off(Fig.5a and col.6 lines 18-47).

Regarding claims 31 and 58, Cho teaches a method and computing device of claims 21 and 49 wherein the toolbar includes a user interface item to allow a user to provide the predefined telephone number(col.3 lines 11-21 and col.6 lines 55-65).

Regarding claims 32 and 59, Cho teaches a method and computing device of claims 21 and 49 wherein the toolbar includes a user interface item to list the found data items(col.3 lines 11-21 and col.6 lines 55-65).

Regarding claim 37, Cho teaches a method of telephone call initiation via toolbar software executing with an Internet web browser(Fig.4) on a computing device, the method

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comprising:

the toolbar software causing a toolbar pane to be displayed in the Internet web browser on the computing device(*col.4 lines 16-22; software displays toolbar telephony app in browser*);

the toolbar software identifying telephone numbers included in a web page requested by a user of a web browser and conspicuously displaying the identified telephone numbers when displaying the web page(416 Fig.4 and Fig.5B, col.4 lines 43-49, col.5 lines 48-60, and col.6 lines 18-57);

the toolbar software providing a list of all identified telephone numbers via the toolbar pane (col.6 lines 17-47); either

the toolbar software receiving a user selection of one of the identified telephone numbers from the list as an activated telephone number, or the toolbar software recognizing activation by the user of one of the conspicuously displayed identified telephone numbers included in the web page as the activated telephone number(416 Fig.4 and Fig.5B, col.4 lines 43-49, col.5 lines 48-60, and col.6 lines 18-57);

the toolbar software sending a call initiation message over a data network to a switch instructing the switch to initiate a two leg telephone call over a public switched telephone network between a predefined telephone number and the activated telephone number in response to the recognizing, wherein the predefined telephone number is associated with a first telephone distinct from and proximate to the computing device that runs the Internet web browser, the first telephone coupled with the public switched telephone network, and wherein the telephone number corresponding to the activated found data item is associated with a second telephone distinct from the computing device and distinct from the first telephone (*14 Fig.1, Fig.4, col.4*

lines 6-14, col.6 lines 60-65, col.7 lines 22-42; duplex communication is a two leg telephone call).

If it is argued that Cho does not inherently teach a predefined telephone number associated with the first telephone distinct from the computing device, the examiner takes official notice in disclosing this feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include old and well-known teachings of telephones distinct from the computing device to make telephony calls because modems and sound cards with telephony ports were widely used to incorporate standard telephones into a computing device for ease of use and familiarity.

Regarding claim 38, Cho teaches a method of telephone call initiation via a toolbar included in an Internet web browser(Fig.4), the method comprising:

the toolbar software causing a toolbar pane to be displayed in the Internet web browser on the computing device(col.4 lines 16-22; software displays toolbar telephony app in browser);

the toolbar software intercepting web page data for a web page directed to the web browser(416 Fig.4 and Fig.5B, col.4 lines 43-49, col.5 lines 48-60, and col.6 lines 18-57);

the toolbar software scanning the web page data for telephone numbers identifying telephone numbers in the web page data as identified telephone numbers (col.6 lines 16-47)

the toolbar software looking up the identified telephone numbers to create a found telephone numbers list (Fig.5a and col.6 lines 36-43)

the toolbar software altering the normal display of at least one of the found telephone numbers to make the found telephone number conspicuous on the web page in which the found

telephone number is included(416 Fig.4 and Fig.5B, col.4 lines 43-49, col.5 lines 48-60, and col.6 lines 18-57);

the toolbar software recognizing activation of one of the found telephone numbers(col.6 lines 16-47)

the toolbar software sending a call initiation message over a data network to a switch instructing the switch to initiate a two leg telephone call over a public switched telephone network between a predefined telephone number and the activated telephone number in response to the recognizing, wherein the predefined telephone number is associated with a first telephone distinct from and proximate to the computing device that runs the Internet web browser, the first telephone coupled with the public switched telephone network, and wherein the telephone number corresponding to the activated found data item is associated with a second telephone distinct from the computing device and distinct from the first telephone (*14 Fig.1, Fig.4, col.4 lines 6-14, col.6 lines 60-65, col.7 lines 22-42; duplex communication is a two leg telephone call*).

If it is argued that Cho does not inherently teach a predefined telephone number associated with the first telephone distinct from the computing device and an address book stored on the computing device, the examiner takes official notice in disclosing these feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include old and well-known teachings of telephones distinct from the computing device to make telephony calls and address book stored on computing devices. One would have been motivated to do so because modems and sound cards with telephony ports were widely used to incorporate telephones into a computing device for ease of use and

familiarity and that address book applications were also widely used on computers for ease of accessibility of contact information.

Regarding claim 39, Cho teaches the method of claim 38 wherein the address book is prepared by a personal information manager included in the toolbar(Fig.5 and col.6 lines 36-43).

Regarding claim 40, Cho teaches the method of claim 38 wherein the address book is prepared by an application program external to the toolbar and the web browser.(Fig.5a).

Regarding claims 33 and 57, Cho teaches a method and computing device of telephone call initiation via a toolbar included in an Internet web browser(Fig.4), comprising

the toolbar software(*col.4 lines 16-22; software displays toolbar telephony app in browser*) intercepting web page data for a web page directed to the Internet web browser scanning the web page data for telephone numbers and associated data(416 Fig.4 and Fig.5B, col.4 lines 43-49, col.5 lines 48-60, and col.6 lines 18-57);;

the toolbar software identifying telephone numbers in the web page data as identified telephone numbers identifying associated data in the web page data as identified associated data(col.4 24-55);

the toolbar software altering the normal display of the identified telephone numbers and the identified associated data included in the found items list to make the identified telephone numbers and the identified associated data conspicuous on the web page(col.6 lines 18-57)

the toolbar software recognizing the activation of one of the identified telephone numbers or one of the identified associated data as an activated item(416 Fig.4 and Fig.5B, col.4 lines 43-49, col.5 lines 48-60, and col.6 lines 18-57);

sending a call initiation message over a data network to a switch instructing the switch to initiate a two leg telephone call over a public switched telephone network between a predefined telephone number and the activated telephone number in response to the recognizing, wherein the predefined telephone number is associated with a first telephone distinct from and proximate to the computing device that runs the Internet web browser, the first telephone coupled with the public switched telephone network, and wherein the telephone number corresponding to the activated found data item is associated with a second telephone distinct from the computing device and distinct from the first telephone (*14 Fig.1, Fig.4, col.4 lines 6-14, col.6 lines 60-65, col.7 lines 22-42; duplex communication is a two leg telephone call*).

If it is argued that Cho does not inherently teach a predefined telephone number associated with the first telephone distinct from the computing device, the examiner takes official notice in disclosing this feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include old and well-known teachings of telephones distinct from the computing device to make telephony calls because modems and sound cards with telephony ports were widely used to incorporate standard telephones into a computing device for ease of use and familiarity.

Regarding claims 34 and 58, Cho teaches claims 33 and 57 wherein the toolbar includes a user interface item to allow a user to set the altering of the identified telephone numbers and the identified associated data in the web page to be on and off.

Regarding claims 35 and 59, Cho teaches claims 33 and 57 wherein the toolbar includes a user interface item to allow a user to provide the predefined telephone number.

Regarding claims 36 and 60, Cho teaches claims 33 and 57 wherein the toolbar includes a user interface item to list the identified telephone numbers and the identified associated data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614